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**TRANSMITTAL
FORM**

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Total Number of Pages in This Submission

4

Application Number

09/808,664

Filing Date

March 15, 2001

First Named Inventor

Robert J. Spooner

Art Unit

2663

Examiner Name

Richard Chang

Attorney Docket Number

Spooner 1

ENCLOSURES (Check all that apply)☐

Fee Transmittal Form

☐

Fee Attached

☐

Amendment / Reply

☐

After Final

☐

Affidavits/declaration(s)

☐

Extension of Time Request

☐

Express Abandonment Request

☐

Information Disclosure Statement

☐

Certified Copy of Priority Document(s)

☐Response to Missing Parts/
Incomplete Application☐Reply to Missing Parts under
37 CFR 1.52 or 1.53☐

Drawing(s)

☐

Licensing-related Papers

☐

Petition

☐Petition to Convert to a
Provisional Application☐Power of Attorney, Revocation
Change of Correspondence Address☐

Terminal Disclaimer

☐

Request for Refund

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CD, Number of CD(s) _____

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Landscape Table on CD

☐After Allowance Communication
to TC☐Appeal Communication to Board
of Appeals and Interferences☐Appeal Communication to TC
(Appeal Notice, Brief, Reply Brief)☐

Proprietary Information

☐

Status Letter

☒Other Enclosure(s) (please
identify below):Reply to Notice of Fee Deficiency
Dated April 12, 2006 - 3 pages;
Acknowledgement Post card

Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name

Synnestvedt Lechner & Woodbridge LLP

Signature

David L. Cargille

Printed name

David L. Cargille, Esq.

Date

5/11/06

Reg. No.

46,600

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5/11/06

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IFW
2663
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: **Robert J. Spooner**
Application Number: **09/808,664** Group Art Unit: **2663**
Filed: **March 15, 2001** Examiner: **Chang, Richard**
For: **DATA COMMUNICATION LINK**

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David L. Cargille

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Commissioner for Patents
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REPLY TO NOTICE OF FEE DEFICIENCY DATED APRIL 12, 2006

Dear Sir:

This reply is responsive to the Notice of Fee Deficiency dated April 12, 2006 in the above application. According to the Notice, the Information Disclosure Statement filed by Applicants on March 17, 2006 was not entered because no fee was remitted with the Information Disclosure Statement. The Notice set a time period of one month from the mailing date of the Notice (April 12, 2006) to remit the fee of \$180.00. As such, this reply (filed May 11, 2006) is timely.

Applicants submit that the Statement filed March 17, 2006 was filed under 37 C.F.R. 1.97(i) after payment of the issue fee but before the issuance of any patent, rather than under 37 C.F.R. 1.97(c) or (d), which require a fee. In contrast with sections (c) and (d), section (i) does not require payment of a fee. As such, Applicant's Statement filed March 17, 2006 must be entered in the file without imposing any fee obligation.

Under 37 C.F.R. 1.97(i), "if an information disclosure statement does not comply with either this section or § 1.98, it will be placed in the file but will not be considered by the Office." MPEP 609(B)(4)(a) clarifies that "[a]fter the issue fee has been paid on an application, it is impractical for the Office to attempt to consider newly submitted information. Information disclosure statements filed after payment of the issue fee in an application will not be considered but will merely be placed in the application file." Form paragraph 13.09 similarly states that: "Information Disclosure Statements filed after payment of the issue fee will not be considered, but will be placed in the file." Finally, MPEP 609(C)(1) states further that "[i]f an Information Disclosure Statement does not comply with the requirements based on the time of filing of IDS . . . , the IDS will be placed in the application file but none of the information will be considered by the examiner." As such, Applicants submit that the Information Disclosure Statement filed March 17, 2006 must be placed in the file in accordance with 37 C.F.R. 1.97(i) despite any alleged fee deficiency.

Notwithstanding the above, in the event that the Office maintains its position that a fee is required for the Information Disclosure Statement filed March 17, 2006, the Office is authorized to charge any required fees (e.g., a fee in the amount of \$180.00 for

the Information Disclosure Statement filed March 17, 2006) to customer deposit account no 23-3040.

Respectfully submitted,

5/11/06
Dated



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